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March 29, 2019

VIA ECF

Magistrate Judge A. Kathleen Tomlinson
United States District Court
Eastern District of New York
Long Island Courthouse,
100 Federal Plaza
Central Islip, New York 11722

Re: *Quintanilla, et al. v. Suffolk Paving Corp., et al*
Civil Action No. 09 Civ. 5331 (AKT)

Hon. Magistrate Judge Tomlinson:

I write to advise the court that I have just communicated with one of the named Plaintiffs, Jose Vega Castillo. The court previously ordered that if Mr. Castillo does not personally attend the trial on April 8, 2019, his claims in their entirety will be dismissed with prejudice.

Mr. Castillo has advised me that he is unable to attend the trial in person on April 8th, 2019, and for a period of approximately one month thereafter.

I request permission to provide the court on an *ex parte* basis with the specific reasons why Mr. Castillo is unable to attend the trial to testify in person.

I respectfully request a pre-motion conference with the court with a view to obtaining an order permitting Mr. Castillo to testify at the trial remotely via video conference, or, alternatively, permitting Plaintiff to submit portions of Mr. Castillo's sworn deposition testimony at trial in lieu of personally testifying. I would also seek a new deadline by which to file a motion in limine preventing Defendants from eliciting testimony or evidence at trial relating to Mr. Castillo's inability to attend the trial in person.

Finally, if the court is not amenable to permitting Mr. Castillo to testify remotely and/or via the submission of portions of his sworn deposition testimony, I respectfully request leave to move to voluntarily dismiss only Mr. Castillo's Federal claims in order to divest this court of subject matter jurisdiction and to enable Mr. Castillo to litigate his remaining state law claims in state court.

Magistrate Judge A. Kathleen Tomlinson
March 29, 2019

Respectfully submitted,

/s/

Ian F. Wallace